SUPREME COURT, U. S.
APR 21 1967
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IN THE

Supreme Court of the United States

OCTOBER TERM, 1966

No. 1019

MORRIS BERMAN,

Appellant,

—vs.—

BOARD OF ELECTIONS OF THE CITY OF NEW YORK, *et al.*

JAMES M. POWER, THOMAS MALLEE, MAURICE J. O'ROURKE, JOHN R. CREWS,* J. J. DUBERSTEIN,** *Commissioners,*

Appellee.

* Resigned 1966
** Term started 1966

ON APPEAL FROM THE COURT OF APPEALS OF THE STATE OF NEW YORK

PETITION OF APPELLANT FOR REHEARING

MORRIS BERMAN,
Appellant, Pro Se,
P. O. Box 115
New York, N. Y. 10001

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Statement

This petition of the appellant for a rehearing, under Rule 58 of the Court, withdraws consideration of Questions 2 and 3 of the questions presented in the Jurisdictional Statement in order to retain the form of pleading as an Appeal, and the petition will address itself to Question 1, relating to the constitutionality of a state law. It is understood that portions of the Jurisdictional Statement referring to Questions 2 and 3 are not requested to be considered by the Court.

New Matter Presented

With this petition two questions presented have been eliminated from present consideration, as indicated in the Statement, and facts are added, not previously known to the Appellant, relating to the absence of church voting in other jurisdictions, and statements of religious authorities in various jurisdictions emphasizing the importance of religious liberty as related to such church voting.

The United States Unique as to Church Voting

Statements received from official sources of England, France and Germany indicate the absence of voting in churches in these countries. Since both the official church and the state are headed by the same person in England, voting in churches might be anticipated in that country, but authoritative sources do not indicate such church voting. The president of the *Rabbinical Alliance of America*, representing six hundred orthodox rabbis in the United States, when informed of this petition for a rehearing, expressed his fervent hope that religious freedom would prevail.

Time Extension

The Court is respectfully requested, in accordance with Rule 58, to extend the time for the filing of this petition 30 days to permit the filing of an addendum as to voting practices in other jurisdictions to indicate to what extent the principle of the separation of church and state is in effect in such jurisdictions as to church voting, as a matter of Comparative Law.

Conclusion

This Court has consistently been concerned with religious freedom, as shown in the Jurisdictional Statement. In view of voting practices in the western world as above indicated, and of American public policy, and in view of the removal from consideration of issues other than those decided by an Appeal, the Court is respectfully petitioned to reconsider its decision and to allow argument.

Certificate Under Rule 58

The Appellant hereby certifies that this petition for a rehearing is presented in good faith and not for delay, and is restricted to the grounds above specified.

Respectfully submitted,

MORRIS BERMAN,
Appellant, Pro Se,
P. O. Box 115
New York, N. Y. 10001

April 20, 1967

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1966.

BERMAN *v.* BOARD OF ELECTIONS, CITY OF NEW YORK, ET AL.

APPEAL FROM THE COURT OF APPEALS OF NEW YORK.

No. 1019. Decided March 27, 1967.

PER CURIAM.

The motion to dismiss is granted and the appeal is dismissed for want of jurisdiction.

Treating the papers whereon the appeal was taken as a petition for a writ of certiorari, certiorari is denied.